APPEAL NO. 032920
FILED DECEMBER 10, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on October 13, 2003. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) sustained a compensable injury in the form of a bilateral tendonitis injury that occurred as a result of repetitious traumatic activities that arose out of and in the course and scope of employment with the employer on _____; (2) the claimant's compensable bilateral tendonitis injury of _____, did not extend to and include a compensable injury in the form of a bilateral carpal tunnel syndrome injury that occurred as a result of repetitious traumatic activities that arose out of and in the course and scope of employment with the employer on _____; and (3) the claimant had disability beginning on November 8, 2002, and continuing through March 17, 2003, as a result of the compensable bilateral tendonitis injury of _____. The claimant appealed the hearing officer's extent-of-injury determination based on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance. The hearing officer's injury and disability determinations have not been appealed and have become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable bilateral tendonitis injury of _____, did not extend to and include a compensable injury in the form of a bilateral carpal tunnel syndrome. The complained-of determination regarding extent of injury involved a fact question for the hearing officer. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Although there is conflicting evidence in this case, we conclude that the hearing officer's extent-of-injury determination is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

ROBIN M. MOUNTAIN, ACE USA
6600 EAST CAMPUS CIRCLE DRIVE, SUITE 200
IRVING, TEXAS 75063.

_____
Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Thomas A. Knapp
Appeals Judge